



### NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

#### Applicant(s)

Name MR KEITH REDPATH  
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 Postcode TD5 8DZ  
 Contact Telephone 1 [REDACTED]  
 Contact Telephone 2 [REDACTED]  
 E-mail\* raygarch@icloud.com

#### Agent (if any)

Name R G LICENCE ARCHITECT  
 Address HILLEND CLIFTONHILL KELSO  
 Postcode TD5 7QE  
 Contact Telephone 1 01573225070  
 Contact Telephone 2 07891690639  
 E-mail\* raygarch@icloud.com

Mark this box to confirm all contact should be through this representative:

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 18/01071/FUL

Site address MID SOFTLAW FARM KELSO

Description of proposed development

CHANGE OF USE FROM AGRICULTURAL BARN TO MOTOR VEHICLE WORKSHOP

Date of application 15 08 2018

Date of decision (if any) 09 01 2019

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review** (tick one box)

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

WE CONSIDER THE REFUSAL OF THE PLANNING APPLICATION HAS NOT TAKEN A FULL VIEW OF THE CIRCUMSTANCES OF THE APPLICATION

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED SUPPORTING STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

THE NEW MATTERS RAISED IN THE STATEMENT HAVE BEEN ADDED IN ANSWER TO COMMENTS MADE BY ENVIRONMENTAL HEALTH AND THE DEPT OF ECONOMIC DEVELOPMENT

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

SUPPORTING STATEMENT  
 AMENDED SITE PLAN

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed 

Date 04 04 2019

**The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)**

**PROPOSED CHANGE OF USE FROM AGRICULTURAL BARN TO MOTOR VEHICLE WORKSHOP AT MID SOFTLAW FARM KELSO**

**NOTICE OF REVIEW  
SUPPORTING STATEMENT**

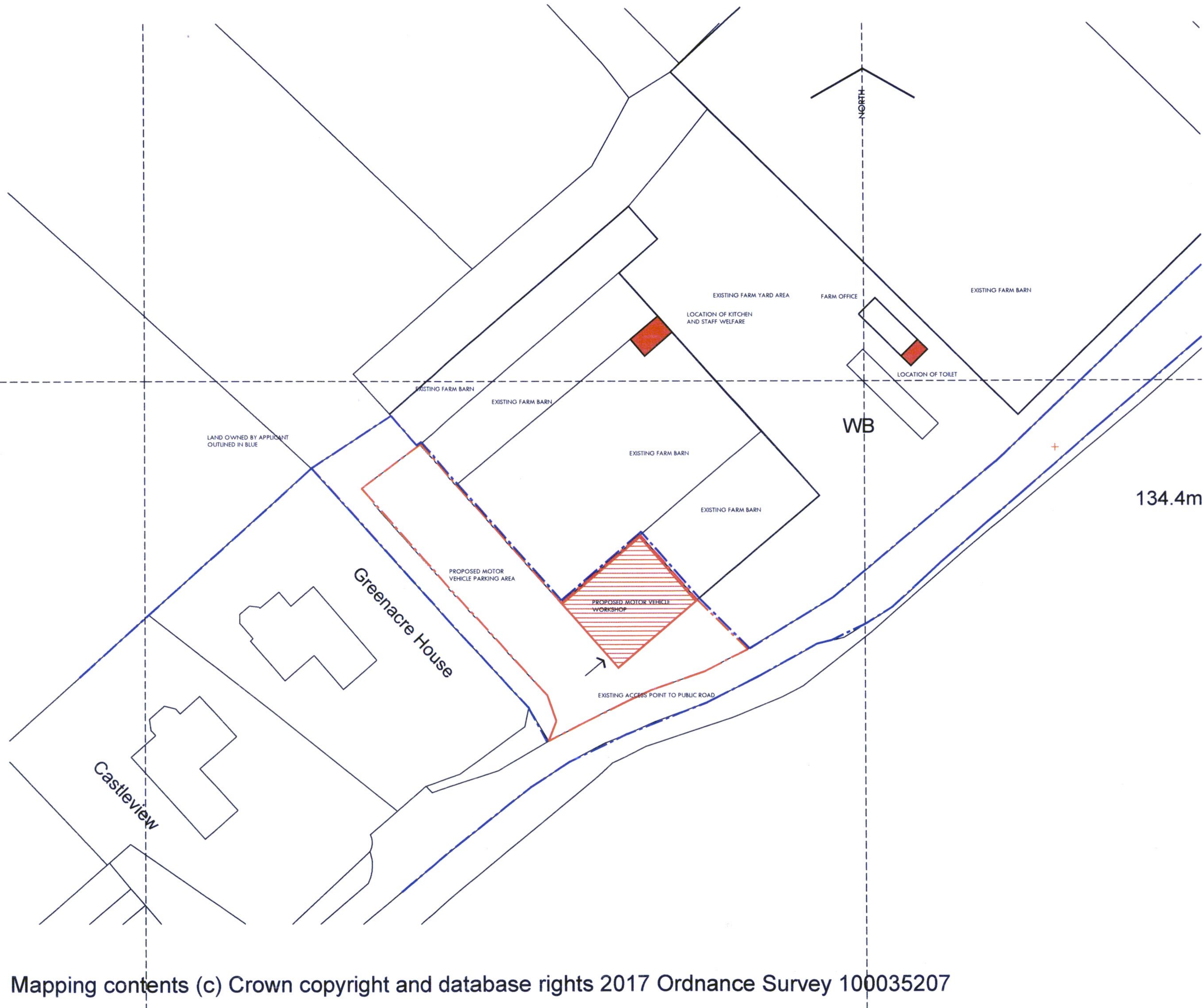
1.00 BACKGROUND REF LOCAL PLAN ED2, PDM 1&2

- 1.01 This Notice of Review principally refers to the refusal of planning application no 18/01071/FUL and specifically to the reasons given for refusal which refer to a previous refusal of planning application no 17/01411/FUL.
- 1.02 Redpath Farms is a long established farm business at Mid Softlaw just outside Kelso and has a large establishment of new farm buildings at the site of the application.
- 1.03 The farming industry is, like any other industry, subject to fluctuations and changes in demand and processes. From time to time this will result in a reduction in the need for bulk storage of produce and large storage facilities not being required and left empty. This is inefficient, unsustainable, and results in high capital buildings being unused and requiring maintenance.
- 1.04 It is therefore common business sense to find alternative uses for these buildings to achieve a return on capital and make use of a valuable resource.
- 1.05 The current economic climate has resulted in opportunities for many small businesses to become established and the Scottish Borders is not immune from this. Small businesses require low risk space with economic rentals to become established and the use of, otherwise empty, farm buildings provides an ideal solution which is beneficial to both landlord and tenant.
- 1.06 This principle is already established at Mid Softlaw with an Agricultural Engineering business operating in the adjacent barn.
- 1.07 These comments and those in the proposal support which follows answer the comments made in the reasons given for refusal by the planning officer, the Departments of Environmental Health and Economic Development.

- 2.00 PROPOSAL SUPPORT LOCAL PLAN REF ED2 A,B &C
- 2.01 The business proposed is based on vehicle bodywork repair and repainting with an emphasis on agricultural vehicles which need frequent seasonal attention, but also for private vehicles.
- 2.02 The owner of the business is very experienced and will equip the premises with industry standard equipment for bodywork repair and paint spraying.
- 2.03 Vehicle parking outside the premises is only required for two vehicles for which there is ample space, and other vehicles being worked on will be housed inside the premises.
- 2.04 The business operating hours are from 09.00 – 17.00 on weekdays only.
- 2.05 The only sound generated by the business operation is from the paint spray booth extract system. This has been designed with filters which absorb fumes and reduce sound to levels which are acceptable.  
Decibel readings will be provided for inclusion with a building warrant application should Planning Consent be achieved.
- 2.06 The use of this empty farm building will create initially one new job with the possibility for increasing staff in the future and there will be an economic gain to local businesses for the supply of goods, materials and services.
- 2.07 Additional information has been added to the attached site plan showing the on site location of health and welfare facilities such as toilets and staff room with kitchen and rest facilities.
- 2.08 A building warrant application will be required if Planning Consent is granted, this will require upgrading of the building to standards applicable for this type of business and will ensure that health and safety, noise and technical standards are met
- 2.09 This change of use will result in one small business having the opportunity to become established and sustainable in a facility which would otherwise remain empty and in a location which affects few people. It is a low risk to everyone concerned and a beneficial economic solution to all parties involved.

R G LICENCE ARCHITECT

25 03 2019



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**RF011**  
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 HILLEND CLIFTONHILL EDNAM KELSO TDS 7QE  
 TEL 01573 225070 MOB 07891690639 EMAIL raygarth@icloud.com  
 CLIENT REDPATH FARMS  
 PROJECT PROPOSED CONVERSION OF FARM BUILDING TO  
 AGRICULTURAL AND VEHICULAR BODY REPAIR AND PAINT SHOP  
 AT MID SOFTLA W FARM KELSO TDS 8DZ  
 TITLE LOCATION PLAN  
 SCALE 1:1000 @ A3  
 DATE 06 08 2018